

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LARRY D. DAVIS, SR.

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner for Social Security
Administration, and KIM BROACH,
Field Office Director for Social Security
Administration,

Defendants.

CIVIL ACTION FILE NO.

1:16-CV-4246-WSD-CMS

REPORT AND RECOMMENDATION


Plaintiff Larry D. Davis, Sr., is proceeding pro se and in forma pauperis in this civil action. (Docs. 2, 3). Summons were issued for Defendants on December 5, 2016, and a certified mail return receipt was docketed on December 14, 2016, indicating that the summonses were delivered to the appropriate offices. (Docs. 5, 6).

On January 3, 2017, Mr. Davis filed a motion titled “EMERGENCY Motion for Injunctive relief” seeking a hearing in this civil action, noting that his requests for a hearing in the underlying administrative proceeding were not granted. (Doc. 7). Mr. Davis asserts that the denial of his prior requests for a hearing violated the

Social Security Administration's administrative rules and violated his rights under the due process clause of the Fifth and Fourteenth Amendments to the United States Constitution. (Doc. 7 at 2). Mr. Davis asserts that the uncertainty regarding the amount of his benefit award has left him "unable to prepare a plan for managing his financial affairs for 2017[.]" (Id.).

While the Court is sympathetic to Mr. Davis's desire to prepare a plan to manage his finances, his request fails to establish good cause to grant an immediate hearing and fails to show that irreparable injury, loss, or damage will result if a hearing is not held within 72 hours, as requested. Accordingly, I **RECOMMEND** that Mr. Davis's "EMERGENCY Motion for Injunctive relief" (Doc. 7) be **DENIED**.

SO REPORTED AND RECOMMENDED, this 12th day of January, 2017.


CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE